

---

HOUSE BILL 2626

---

State of Washington

59th Legislature

2006 Regular Session

By Representatives Springer, P. Sullivan, Green, Blake, Kilmer, Appleton, Shabro, Hasegawa, Lantz, Hunt, Takko, O'Brien, Kessler, Upthegrove, Schual-Berke, Clibborn, Linville, Kagi, B. Sullivan, Morrell, Moeller, Hudgins, Sells, Ormsby and Wallace; by request of Governor Gregoire and Commissioner of Public Lands

Read first time 01/11/2006. Referred to Committee on Judiciary.

1 AN ACT Relating to the reaffirmation of existing Washington state  
2 law in the state Constitution, state supreme court decisions, and  
3 statutes relating to the use of eminent domain by state and local  
4 governments; and creating a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) Members of the public have expressed  
7 concern regarding a recent United States Supreme Court decision, *Kelo*  
8 *v. New London* (No. 04-108 (June 23, 2005)), which upheld, under the  
9 United States Constitution, a Connecticut city's exercise of eminent  
10 domain. It is the intent of the legislature to recognize, reaffirm,  
11 and support existing Washington case law under Article I, section 16 of  
12 the Washington State Constitution, that prohibits the condemnation of  
13 private property other than for certain public purposes pursuant to  
14 law.

15 (2) In light of the United States Supreme Court decision in *Kelo v.*  
16 *New London*, the legislature intends to reaffirm existing Washington  
17 state law relating to the use of eminent domain by state and local  
18 governments. The intent of this act is to make clear that Article I,  
19 section 16 of the Washington State Constitution prohibits the use of

1 eminent domain to take private property for private use, except under  
2 narrow exceptions. To this end, the legislature recognizes, reaffirms,  
3 and supports the restrictions on the use of eminent domain to take  
4 private property for private use, as set forth in chapters 8.04, 8.08,  
5 8.12, 8.16, and 8.20 RCW and in the Washington State Supreme Court's  
6 decisions in *Hogue v. Seattle*, 54 Wn.2d 799, 341 P.2d 171 (1959);  
7 *Miller v. Tacoma*, 61 Wn.2d 374, 378 P.2d 464 (1963); *In re Petition of*  
8 *Seattle*, 96 Wn.2d 616, 638 P.2d 549 (1981); and *State ex rel.*  
9 *Washington State Convention & Trade Center v. Evans*, 136 Wn.2d 811, 966  
10 P.2d 1252 (1998).

--- END ---